

## BIRCH, STEWART, KOLASCH &amp; BIRCH, LLP

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COPY

COMBINED DECLARATION AND POWER OF ATTORNEY  
FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verify believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

## Biological Assays

Insert Title:  
Fill in Appropriate  
Information -  
For Use Without  
Specification  
Attached:

the specification of which is attached hereto. If not attached hereto,  
the specification was filed on December 29, 2000 as  
United States Application Number 09/750,348  
and amended on \_\_\_\_\_ (if applicable) and/or  
the specification was filed on \_\_\_\_\_ as PCT  
International Application Number \_\_\_\_\_ and was  
amended under PCT Article 19 on \_\_\_\_\_ (if applicable)

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## Prior Foreign Application(s)

## Priority Claimed

Insert Priority  
Information:  
(if appropriate)

(Number)	(Country)	(Month/Day/Year Filed)	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Insert Provisional  
Application(s):  
(if any)

(Application Number)	(Filing Date)

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested  
Information:  
(if appropriate)

Country	Application Number	Date of Filing (Month/Day/Year)

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S.  
Application(s):  
(if any)

(Application Number)	(Filing Date)	(Status - patented, pending, abandoned)

Attorney Docket No.

I hereby appoint the following attorneys to prosecute this application and/or an international application based on this application and to transact all business in the Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the attorneys identified below, unless the inventor(s) or assignee provides said attorneys with a written notice to the contrary:

Raymond C. Stewart	(Reg. No. 21,066)	Terrell C. Birch	(Reg. No. 19,382)
Joseph A. Kolasch	(Reg. No. 22,463)	James M. Slattery	(Reg. No. 28,380)
Bernard L. Sweeney	(Reg. No. 24,448)	Michael K. Mutter	(Reg. No. 29,680)
Charles Gorenstein	(Reg. No. 29,271)	Gerald M. Murphy, Jr.	(Reg. No. 28,977)
Leonard R. Svensson	(Reg. No. 30,330)	Terry L. Clark	(Reg. No. 32,644)
Andrew D. Meikle	(Reg. No. 32,868)	Marc S. Weiner	(Reg. No. 32,181)
Joe McKinney Muncy	(Reg. No. 32,334)	Donald J. Daley	(Reg. No. 34,313)
Jolun W. Bailey	(Reg. No. 32,881)	John A. Castellano	(Reg. No. 35,094)
Gary D. Yacura	(Reg. No. 35,416)		

Send Correspondence to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First Inventor, if any: Insert Name of Inventor Insert Date This Document is Signed	GIVEN NAME/FAMILY NAME <b>IGOR SHVETS</b>	INVENTOR'S SIGNATURE <i>I.V. Shvets</i>	DATE* <b>09-01-2001</b>
Insert Residence Insert Citizenship	Residence (City, State & Country) <b>Dublin, Ireland</b>	CITIZENSHIP <b>Irish</b>	
Insert Post Office Address	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b>250 Delwood Road, Castleknock, Dublin 15, Ireland</b>		
Full Name of Second Inventor, if any: see above	GIVEN NAME/FAMILY NAME <b>DMITRIY KASHANIN</b>	INVENTOR'S SIGNATURE <i>Kashanin</i>	DATE* <b>09-01-2001</b>
	Residence (City, State & Country) <b>Dublin, Ireland</b>	CITIZENSHIP <b>Russian</b>	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b>50 Grange Downs, Rathfarnham, Dublin 14, Ireland</b>		
Full Name of Third Inventor, if any: see above	GIVEN NAME/FAMILY NAME <b>DERMOT KELLEHER</b>	INVENTOR'S SIGNATURE <i>Dermot Kelleher</i>	DATE* <b>09-01-2001</b>
	Residence (City, State & Country) <b>Dublin, Ireland</b>	CITIZENSHIP <b>Irish</b>	
Full Name of Fourth Inventor, if any: see above	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b>30 Royal Terrace West, Dun Laoghaire, County Dublin, Ireland</b>		
	GIVEN NAME/FAMILY NAME <b>Vivienne Williams</b>	INVENTOR'S SIGNATURE <i>Vivienne Williams</i>	DATE* <b>09-01-2001</b>
	Residence (City, State & Country) <b>Dublin, Ireland</b>	CITIZENSHIP <b>Irish</b>	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b>House 49.2.2, Trinity College, Dublin 2, Ireland</b>		
Full Name of Fifth Inventor, if any: see above	GIVEN NAME/FAMILY NAME <b>YURI VOLKOV</b>	INVENTOR'S SIGNATURE <i>Yuri Volkov</i>	DATE* <b>09-01-2001</b>
	Residence (City, State & Country) <b>Dublin, Ireland</b>	CITIZENSHIP <b>Russian</b>	
	POST OFFICE ADDRESS (Complete Street Address including City, State & Country) <b>43 Cowper Village, Dublin 6, Ireland</b>		

Patent  
Attorney's Docket No. 1817-0105P

Applicant or Patentee: Igor Shvets, Dmitriy Kashanin, Dermot Kelleher, Vivienne Williams, Yuri Volkov  
Application or Patent No.: 09/750,348  
Filed or Issued: December 29, 2000  
For: Biological Assays

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS (37 C.F.R. §§ 1.9(f) AND 1.27(d)) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION The Provost, Fellows and Scholars of the College of the Holy and Undivided Trinity of Queen Elizabeth near Dublin  
ADDRESS OF ORGANIZATION College Green, Dublin 2, Ireland

**TYPE OF ORGANIZATION**

University or other institution of higher education  
 Tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3))  
 Nonprofit scientific or educational under statute of state of The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)  
 Would qualify as tax exempt under Internal Revenue Service Code (26 U.S.C. §§ 501(a) and 501(c)(3)) if located in The United States of America  
 Would qualify as nonprofit scientific or educational under statute of The United States of America if located in The United States of America  
(Name of state \_\_\_\_\_)  
(Citation of statute \_\_\_\_\_)

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. § 1.9(e) for purposes of paying reduced fees under Sections 41(a) and 41(b) of Title 35, United States Code, with regard to the invention entitled by inventor(s) described in

the specification filed herewith  
 Application No. 09/750,348, filed December 29, 2000.  
 Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above-identified invention.

If the rights held by the above-identified nonprofit organization are not exclusive, each individual, concern, or organization having rights to the invention is listed below,\* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an individual inventor under 37 C.F.R. § 1.9(c), or by any concern that would not qualify as either a small business concern under 37 C.F.R. § 1.9(d) or a nonprofit organization under 37 C.F.R. § 1.9(e).

\*NOTE: Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 C.F.R. § 1.27.)

Application No. \_\_\_\_\_  
Attorney's Docket No. \_\_\_\_\_

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

individual  small business concern  nonprofit organization

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

individual  small business concern  nonprofit organization

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earlier of the issue fee and any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 C.F.R. § 1.28(b).)

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code; and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Eoin P O'Neill  
TITLE IN ORGANIZATION DIRECTOR OF INNOVATION SERVICES  
ADDRESS OF PERSON SIGNING O'REILLY INSTITUTE, TRINITY COLLEGE  
DUBLIN 2 IRELAND

SIGNATURE Eoin P. O'Neill DATE 9/01/01